

# United States District Court

## NORTHERN DISTRICT OF CALIFORNIA

PLAINTIFF

United States of America, et al.

### THIRD PARTY SUMMONS IN A CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

The Shipowners' Insurance & Guaranty Company  
Ltd., et al.

CASE NUMBER: C07-06045 SC

V. THIRD PARTY DEFENDANT

The State of California

TO: (Name and address of defendant)

Office of the Attorney General, 455 Golden Gate  
Avenue, Suite 11000, San Francisco, CA 94102

**YOU ARE HEREBY SUMMONED** and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY, (name and address)

R. Michael Underhill  
U.S. Department of Justice  
Torts Branch, Civil Division  
450 Golden Gate Avenue  
7th Floor, Room 7-5395  
San Francisco, CA 94102-3463

DEFENDANTS AND THIRD-PARTY PLAINTIFF'S ATTORNEY  
(name and address)

John D. Giffin  
Keesal, Young & Logan  
Four Embarcadero Center, Suite 1500  
San Francisco, CA 94111

an answer to the third-party complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the third-party complaint. There is also served upon you herewith a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, and (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff.

**RICHARD W. WIEKING**

CLERK

**ALFRED AMISTOSO**

(BY) DEPUTY CLERK

DATE

6/11/08

AO 441 (Rev. 5/85) Third Party Summons in a Civil Action (reverse)

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me <sup>1</sup> See attached list <sup>DATE</sup> 06/11/08  
for additional docs.

Name of SERVER (PRINT)

CHRISTOPHE REGALL-SOONIE

served by

Check one box below to indicate appropriate method of service



Served personally upon the third-party defendant. Place where served:

RUBY SHEWL  
OFFICE OF THE ATTORNEY GENERAL 455 Golden Gate, SF, CA 94102



Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:



Returned unexecuted:



Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL

SERVICES

TOTAL

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

06/11/08

Date

Signature of Server

75 Columbia Square, SF, CA  
94103

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

LIST OF ADDITIONAL DOCUMENTS SERVED ON 6/11/08:

**Third Party Summons**

**Complaint**

**Application for Order for Issuance of Warrant**

**Declaration of R. Michael Underhill in Support of  
Application for Order for Issuance of Warrant  
Warrant of Arrest of Vehicle Issued**

**Order for Issuance of Warrant on Motion for  
Miscellaneous Relief**

**Order Relating Case**

**Clerk's Notice**

**Request for Authorization of Service of Process of  
Summons and Complaint Upon Foreign Defendants**

**Order Authorizing Service of Summons and Complaint  
Upon Foreign Defendants**

**Stipulation Pursuant to L.R. 6-1(a) for Extension of Time  
for Defendant Sigco to Answer Complaint**

**Order Granting Stipulation Pursuant to L.R. 6-1(a) for  
Extension of Time for Defendant Sigco to Answer  
Complaint**

**Claim to Vessel by Owner**

**Restricted Appearance**

**Certification of ADR Session; Order Granting Application  
for Admission of Attorney Pro Hac Vice**

**Answer of Shipowners' Insurance and Guaranty  
Company Ltd. to Complaint**

**Plaintiff Rose Marie, Inc.'s Dismissal Without Prejudice  
with Order**

**Proposed Case Management Plan and Proposed Order**

**Amended Civil Minutes Re: Status Conference**

**Answer of Defendant John Cota to Complaint  
First Amended Verified Complaint of the United States**

**Defendants Regal Stone Ltd. and Fleet Management  
Ltd.'s Notice of Motion and Motion to Dismiss, or in the  
Alternative, Stay Proceedings**

**Declaration of Joseph A. Walsh in Support of Defendants  
Regal Stone Ltd. and Fleet Management Ltd.'s Notice of  
Motion and Motion to Dismiss, or in the Alternative, Stay  
Proceedings**

**Declaration of K. Tim Perkins in Support of Defendants  
Regal Stone Ltd. and Fleet Management Ltd.'s Notice of  
Motion and Motion to Dismiss, or in the Alternative, Stay  
Proceedings**

**Declaration of Cynthia Hudson in Support of Defendants  
Regal Stone Ltd. and Fleet Management Ltd.'s Notice of  
Motion and Motion to Dismiss, or in the Alternative, Stay  
Proceedings**

**Declaration of Gary S. Mauseth in Support of Defendants  
Regal Stone Ltd. and Fleet Management Ltd.'s Notice of  
Motion and Motion to Dismiss, or in the Alternative, Stay  
Proceedings**

**Proposed Order Granting Defendants Regal Stone Ltd.  
and Fleet Management Ltd.'s Notice of Motion and  
Motion to Dismiss, or in the Alternative, Stay  
Proceedings**

**Certificate of Service**

**Case Management Statement**

**Answer of Defendant John Cota to First Amended  
Verified Complaint of the United States**

**Notice of Joinder and Joinder in Motion to Dismiss and  
Stay Proceedings; Memorandum of Points and  
Authorities**

**Memorandum of United States in Opposition to  
Defendants Regal Stone Ltd. and Fleet Management  
Ltd.'s Notice of Motion and Motion to Dismiss, or in the  
Alternative, Stay Proceedings**

**Order on Motion to Relate Case**

**Defendants Regal Stone Ltd. and Fleet Management  
Ltd.'s Reply Memorandum in Support of Notice of Motion  
and Motion to Dismiss, or in the Alternative, Stay  
Proceedings  
Amended Case Management Statement**

**Memorandum of United States in Opposition to  
Defendant Cota's "Joinder" in Regal Stone's and Fleet  
Management's Motion to Dismiss, or in the Alternative,  
Stay Proceedings**

**Clerk's Notice**

***Ex Parte* Request for Order to Require Appearance of  
Cosco Busan Crewmembers at Case Management  
Conference**

**Declaration of R. Michael Underhill in Support of *Ex  
Parte* Request for Order to Require Appearance of Cosco  
Busan Crewmembers at Case Management Conference**

**(Proposed) Order Requiring Appearance of Cosco Busan  
Crewmembers at Case Management Conference**

**Order Denying Defendants' Motion to Dismiss**

**Letter dated May 7, 2008 to Judge Conti from Jonathan  
Howden**

**Answer to Amended Complaint, Affirmative Defenses,  
Counterclaim and Third Party Complaint of Defendants  
Regal Stone Ltd. and Fleet Management Ltd.**

**Proof of Service**